

President is opposed to experiments with polls

The Times of India News Service

NEW DELHI: In a strong rebuttal of the recent talk in ruling circles of poll reforms to usher in "indirect elections" and "stability and uniformity" in the political system, President K.R. Narayanan has said it reflects "shades" of the political ideas of Pakistan's Field Marshal Ayub Khan.

"We may recall that in Pakistan, Field Marshal Ayub Khan had introduced an indirect system of elections and experimented with what he called 'basic democracy' or 'guided democracy'," Mr Narayanan emphasised in his Republic Day-eve address on Thursday night.

He reminded the nation that the founding fathers had the wisdom and foresight not to over-emphasise the importance of stability and uniformity of the political system and had consciously rejected the system of restricted franchise and indirect elections that the 1935 Government of India Act embodied.

"It required a profound faith in the wis-

dom of the common man and woman in India. Today, it is necessary to look back to this faith when we hear voices pleading for a system of indirect elections," he said, adding that it would be an irony if we invoked "in the name of Mahatma Gandhi..the shades of the political ideas of field marshal Ayub Khan, the father of military rule in

Pakistan".

The President's views are significant since the Constitution Review Commission had recently circulated a paper suggesting a system of indirect elections from the zilla parishads to

parliament on the specious ground that Mahatma Gandhi had favoured them. The ruling NDA has, in its manifesto, favoured a fixed five-year tenure for the Lok Sabha and state assemblies.

Mr Narayanan said that it was under the flexible and spacious provisions of "our constitution that democracy has flourished during the last 50 years and that India has achieved unprecedented unity and cohesion as a nation and made remarkable progress in the social and economic fields".

PREZ-ING MATTERS

- Framers of the constitution did not envisage restricted franchise
- Uniformity of political system not desirable in democracy
- Kashmir cease-fire is a bold step

THE TIMES OF INDIA

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PM advocates fixed term for LS, Assemblies

A journey through the 50 long years

HT Correspondent
New Delhi, January 17

LED BY President K. R Narayanan, the country's top leadership today expressed serious concern over growing criminalisation of politics with money and muscle power acquiring a dominant role. They sought initiation of reforms to reverse the unhealthy trend, which, according to them, runs counter to the spirit of democracy.

Speaking at the golden jubilee function of the Election Commission, the President, Prime Minister Vajpayee, Lok Sabha Speaker G M C Balayogi, Leader of the Opposition Sonia Gandhi, Chief Election Commissioner M S Gill and Law Minister Arun Jaitley cautioned against people with dubious record managing to capture the political centre-stage.

Delivering his inaugural speech, Mr Narayanan asked the Government and political parties to co-operate with the EC in checking such "malpractice", which undermine the will of the people. He regretted that criminals (sometimes even the convicted ones) were allowed to contest elections and even managed to get elected to legislatures.

"It is more than a laughing matter," the President observed. He said a simple legislation was not the remedy. The trend could be arrested only if political parties refrained from giving tickets to persons with criminal record.

On his part, Vajpayee strongly advocated a fixed tenure for the Lok Sabha and state assemblies, which, he said, was essential for good governance and a mature democracy. Terming criminalisation of elections as "malignant", he exhorted parties to ponder over the issue and arrive at a consensus to check the menace.

Expressing anguish that elections were becoming "contentious and confrontational," the Prime Minister said climate was conducive for criminal and anti-social elements to strike roots in the polity. Mr Vajpayee said elections were becoming "prohibitively



Congress president Sonia Gandhi with PM Vajpayee at Vigyan Bhavan in the Capital on Wednesday. Photo: Manish Swarup

costly" and it was difficult for an ordinary person to even dream of contesting elections.

About the EC's suggestions of making it mandatory for political parties to fix a certain percentage for women candidates for elections and various organisational posts, he said his Government was open to any constructive proposal.

In an implied reference to the BJP and the saffron brigade, Gandhi drew attention to the danger posed by those seeking to distort the country's vibrant diversity in the name of uniformity by re-writing the Constitution. Expressing her displeasure over the review, she said: "The danger is from those who claim to speak on behalf of our culture and are uncomfortable with the Constitution."

Mr Gill, while asking the government and parties to check the menace of money and muscle power in polls, demanded that a quick solution be found to provide fair gender representation at all levels, reports PTI.

Hemendra Singh Bartwal
New Delhi, January 17

CONSTITUTED A day before India became a Republic on 26 January 1950, the Election Commission (EC) has come a long way. It is arguably one of the most potent institutions for promotion and preservation of democracy in India.

The Commission's task has grown enormously since the first polls in 1951-52. Then, the size of the electorate was a mere 173 million. In comparison, the 13th Lok Sabha elections were conducted on the basis of the world's largest voters' list of 620 million. At the time of the first general election, the EC's biggest problem was to devise a polling system, under which illiterate voters could exercise their franchise effectively. The country's literacy rate then was a mere 16 per cent of the total population.

The EC evolved a simple polling procedure. The voter merely had to drop a small ballot paper into the ballot box, without having to stamp or mark it. Each polling station had separate boxes on display with the names and election symbols of the candidates in the fray.

The arrangement was voter friendly. It posed a lot of problems for the EC, given the huge requirement of ballot boxes. The process had to be discontinued soon. The system of ballot papers carrying the names of candidates was introduced only in 1962.

Soon, the tech revolution took over the polling process. This is the age of electronic voting machines (EVMs). The EC has

also suggested the compulsory use of photo I-cards in all parliamentary and state elections. A majority of the electorate, about 400 million, already possess these cards. The latter half of the 20th century also saw the introduction of computerised electoral rolls.

The need for a code of conduct for political parties was felt in 1968. But the code became effective only in 1991, when the baton-wielding T N Seshan took over as Chief Election Commissioner. In no time, Seshan became the darling of India's teeming middle-classes, the final arbitrators of what's wrong and what's right with politicians. Seshan's forceful personality and insistence on implementing the election law in letter and spirit shook the political system. He demonstrated for the first time the true powers of the EC.

Though his predecessors, R V S Peri Shastri and S L Shakdhar, too, were able men with impeccable reputations, it was only during Seshan's tenure that the EC managed to be one up on the wily politician. The work has been carried forward, albeit less aggressively, by his successor M S Gill, who currently heads the three-member poll body.

For the first 40 years of its existence, till October 1989, the EC was a single-member body. A Presidential order transformed it into a three-member body during Rajiv Gandhi's tenure. Peri Shastri was then the CEC. Less than three months later, the V P Singh Government scrapped the earlier order. The Narasimha Rao Government again made the EC a three-member panel in 1993.

Deny ticket to people with criminal background: President

By Our Special Correspondent

NEW DELHI, JAN. 17. The President, Mr. K. R. Narayanan, today led the political leadership in celebrating the country's electoral democracy, but reminded everyone that there were aberrations in the electoral system that needed to be addressed. In particular, expressing concern over the "unhealthy role" of money, muscle power and the mafia in the elections, Mr. Narayanan called upon the political parties to refrain from giving ticket to individuals with a criminal background.

Besides the President, the Prime Minister, Mr. Atal Behari Vajpayee, the Speaker of the Lok Sabha, Mr. G. M. C. Balayogi, and the Leader of the Opposition, Ms. Sonia Gandhi, came together to applaud the Election Commission on completing 50 years.

Pointing out that legislation may not be the only solution to the problem of individuals with criminal antecedents entering the legislatures, the President said: "If the organised political parties, who are not obliged to field anyone as a candidate, refrain from giving ticket to individuals with a criminal background, it would be possible to deal effectively with the problem of criminals in politics. Is this too much expected from the political parties?"

In particular, he hailed the inculcation of a spirit of electoral participation among the citizens and cited the examples of Punjab and Assam and the ongoing panchayat polls in Jammu and Kashmir. "There is no greater proof of the faith that people have in democracy than the sight of men and women trekking the moun-

tainous roads in Kashmir, in the face of threats from militants, in order to cast their votes in the panchayat elections."

The Prime Minister, on his part, chose to come out in defence of his Government's "constitution review commission". Lauding its controversial suggestions, he said he "strongly believed that a fixed tenure for our Parliament and State Legislatures is essential for our democratic system to become mature and deliver good governance."

Acknowledging that the electoral process was becoming "more contentious and confrontational", and abetted criminalisation and use of money bags, Mr. Vajpayee said a way out could be less frequent elections.

Danger from within: Sonia

As if anticipating the Prime

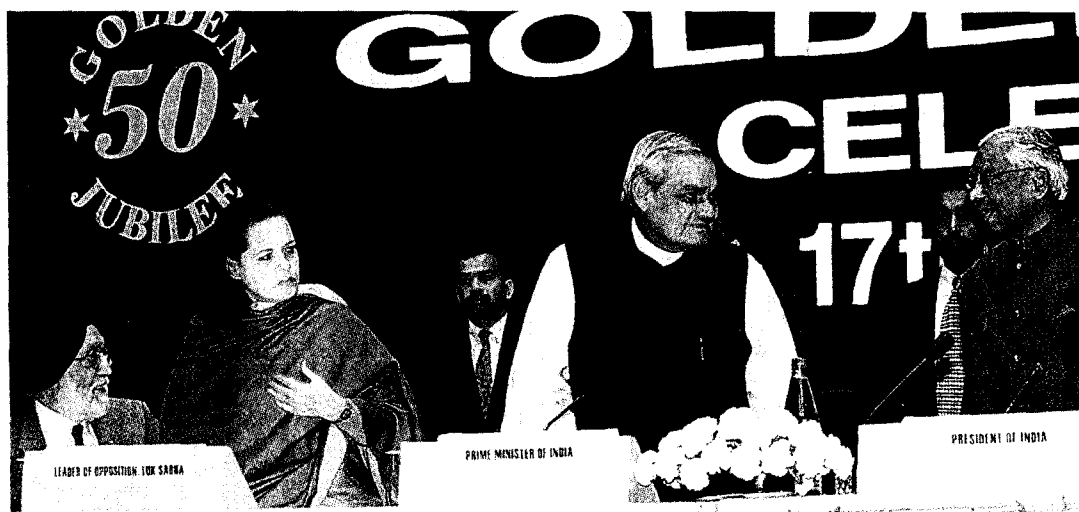
Minister's pitch for the "Constitution review", Ms. Sonia Gandhi, earlier, warned against any haste in tinkering with the Constitution. Arguing that democracy must represent the social diversities in the country, she cautioned: "The danger is from within. It comes from those forces that claim to speak on behalf of our culture. The danger is from those who are uncomfortable with our Constitution and who doubt the very basis of the social character and social sacrament that was put together by some of the finest minds and the noblest souls the country has ever assembled."

Like the Prime Minister, Ms. Gandhi also talked approvingly of the need to strengthen the electoral process in a comprehensive manner. Both reiterated their parties' stands on reservation for women.

Mr. Balayogi, thoughtfully observed that the founding fathers of the Constitution had the foresight to recognise the importance of an autonomous Election Commission, and stressed the need for sustaining its autonomy and efficacy.

Gill coins news slogan

The man of the hour, however, was the Chief Election Commissioner, Dr. M. S. Gill, who symbolised the institutional dignity of the poll panel. Sharing with the distinguished gathering his experience of conducting elections, he said the Commission was always looking at ways and means of improving the system. Dr. Gill also announced a slogan for the new century: "A photo identity card in your hand, and an electronic voting machine in the polling booth."



The President, Mr.K.R. Narayanan, with the Prime Minister, Mr. Atal Behari Vajpayee, the Congress president, Ms. Sonia Gandhi, and the Chief Election Commissioner, Dr. M. S. Gill, at the golden jubilee celebrations of the Election Commission in New Delhi on Wednesday. — Photo: V. Sudershan

THE HINDU

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CEC Gill promises EVMs, urges parties to eradicate 'gender bias'

Anil Anand
New Delhi, January 16

HT



ON THE golden jubilee of the Election Commission, Chief Election Commissioner M S Gill has a gift for the country's electorate — the much-awaited Electronic Voting Machines (EVMs), to be used during the first general election of the new millennium.

And to mark the milestone in the Commission's history, the CEC also expects political parties to commit themselves to eradicating 'gender bias' in Parliament and State Assemblies without further delay.

In an exclusive interview to *The Hindustan Times* on the eve of the Commission's two-day golden jubilee celebrations opening tomorrow, Dr Gill suggested that the question of women's representation in elected bodies be clinched through the easier, less cumbersome route -- an amendment to the Representation of People's Act.

"Make it legally binding on political parties to earmark a fixed quota of seats for women. Provide women a guaranteed legal space in organisational set-ups and they will automatically have more representation in Parliament and State Assemblies," the CEC said.

Dr Gill pointed out that the EC's biggest worry was the growing influence of "muscle and money power" in the country's polity. The onus for reforming the system lay squarely on political parties as all laws were made by Parliament. "I have great confidence that Law Minister Arun Jaitely will introduce a Bill on electoral reforms in Parliament in the year 2001", the Chief Election Commissioner added.

50 years of EC

Dr Gill said, 50 glorious years of the EC's existence were an indication of the vibrancy of the Indian democracy. "It is to the credit of the framers of our Constitution that they could perceive a powerful Election Commission as part of the Constitutional framework," he said.

The Election Commission's golden jubilee celebrations would be attended by the Election Commissioners of 20 countries, including the Russia Federation, Bangladesh, Nepal, Pakistan, Canada and the representatives of the Commonwealth and the United Nations. Prominent among the foreign dignitaries will be Pakistan's CEC Justice Abdul Qadir.

Mr Gill said, the three main players behind the success of the Indian democracy were its people, political parties and the Commission itself.

He only hoped that "big businesses do not hijack political parties in India."

Face the competition

THE REMOVAL of quota restrictions on agricultural goods in two months' time is causing concern among farmers. Already, there has been a sizeable increase in edible oil imports, alarming the oil seed growers. The question of protection is being raised once again by various political parties and a clarification of India's stand at the World Trade Organisation with regard to agriculture is being sought. But can the protectionist stance be justified? The WTO chief-in-waiting, Supachai Panitchpakdi, who was in India recently, has recommended heavy duties on dumped agricultural goods. After all, the industrial countries impose high anti-dumping duties on such items and pamper their farm lobbies with huge subsidies. While it is true that the impact of the opening up of the agriculture sector will be sudden and severe, eventually farmers will have no option but to compete with international production standards and prices.

The Government will have to raise the efficiency of agriculture and increase productivity through a higher rate of investment in providing adequate rural infrastructure and access to latest farming services. Only then can agricultural production become cost effective. In addition, further negotiations will have to take place at the WTO by India and other developing countries with regard to the agreement on agriculture because a large proportion of their population is dependent on this sector. Since the livelihood of millions of marginal Indian farmers is involved, input subsidies will have to continue. India has asked for the 'green box' facility through which it can continue to subsidise agriculture and hold food stocks for some more years for food security reasons.

Tariffs should be raised, however, for items that have been allowed duty-free entrance because India is deficient in them. But we are no longer deficient in skimmed milk powder, soybean, grapes, maize and rice, and duties might be imposed on them. By signing the agreement on agriculture, India stands to gain on the export front but only if industrial countries allow greater access to agricultural imports. They should not take shelter behind non-tariff measures like phyto sanitary regulations. This is a cause of dissatisfaction for all developing countries, which should begin negotiations for their removal.

THE EC CELEBRATES

By and large a job well done 51-6

TODAY the Election Commission of India celebrate the fiftieth anniversary of their first meeting and they do have reason to celebrate. It is not as though the Commission have not had serious disagreements with executive governments of the day. Three major landmarks must be noted. In reverse order, the Commission under the Chief Election Commissioner, Dr MS Gill has tried to persuade four successive Prime Ministers to effect the elementary but necessary reform, namely to accept that the Commission cannot function effectively unless they have operational and disciplinary control over government employees seconded for election duty. The bureaucracy are the best known closed shop in the country and they fought a strong rearguard action to protect their kind which forced TN Seshan to take the matter to the Supreme Court. Good sense has finally prevailed and the Supreme Court have recently passed an agreed order in Writ Petition No 606 of 1993. It provides that disciplinary control over officers, staff and police on election duty is with the Commission to cover 1) suspension for insubordination or dereliction of duty, 2) substituting any officer and returning him to his cadre with a written report on his conduct, 3) recommending disciplinary action which must be promptly acted upon and the Commission informed within six months and 4) the Central government will advice state governments to follow these principles and decisions.

This is a great step forward. Five state governments have accepted the jurisdiction but West Bengal is not among them. Of all states, West Bengal and Bihar need this most.

When Rajiv Gandhi was crossed and the then Chief Election Commissioner, RVS Peri Sastri insisted that it was for the Commission to fix the dates for the polls and Rajiv did not get his way, he reacted by appointing two additional Commissioners to outvote the Chief. The matter went to the Supreme Court, which in a ringing judgment (coram Kania and Sawant, JJ) of 24 July 1991, found that the *two Commissioners were appointed to control the Chief Election Commissioner at every stage. They further held that the attitude adopted by them (the two Commissioners) in the discharge of their functions was hardly calculated to ensure the free and independent functioning of the Commission. The two commissioners were withdrawn and the Commission was saved although Peri Sastri had died in office. This is the occasion to recall the sterling contribution Peri Sastri made to the present independence of the Commission. It must also be noted that erratic as Seshan was, it was he who put the fear of god into misbehaving politicians although he also delayed the introduction of electronic voting machines unduly and insisted instead on identity cards. The project is hopelessly behind schedule and cards have innumerable errors.*

Dr Gill has lent dignity and stability to the Commission's independence. His real test will be to ensure free and fair elections in West Bengal. There is reason for apprehension that it will be a violent and chaotic affair, given the evident determination of the CPI(M) to hold on by hook or by crook. The Commission's immediate task is to get state governments other than Andhra Pradesh, Maharashtra, Mizoram, Tamil Nadu and Tripura who have accepted the formula recorded by the Supreme Court, to do so and without delay. Will Buddhadev Bhattacharya, in particular, accept the Court order and provide some comfort to his claim that the coming elections will be held without hijacking the police and the administration in the service of the party?

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